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RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3731
PATENT
 Attorney Docket No. 101.0036-02000
 Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 1065
Gary Karlin Michelson)	
Serial No.: 10/765,341)	Group Art Unit: 3731
Filed: January 27, 2004)	Examiner: Michael Thaler
For: SURGICAL RONGEUR HAVING A)	
REMOVABLE STORAGE MEMBER)	
(as amended))	

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

REPLY TO FINAL OFFICE ACTION

In reply to the Final Office Action of February 23, 2005, Applicant submits the following remarks.

In the Office Action, the Examiner indicated that the present Office Action was final because "[a]ll claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application." (Office Action, page 3, paragraph 2). Applicant respectfully disagrees with the Examiner's decision to make this action final and requests the withdrawal of finality for the reasons set forth below.

I. Request for withdrawal of finality.

The MPEP permits a first action to be made final only when "all claims of the new application (1) are drawn to the same invention claimed in the earlier application,

Reply to Final Office Action 4-28-05.doc